

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

THU TRAN, Individually And  
On Behalf of All Others Similarly Situated,

Plaintiff,

VS.

NETLIST, INC., CHUN K. HONG,  
CHRISTOPHER LOPES, NAM KI HONG,  
THOMAS F. LAGATTA, ALAN H. PORTNOY,  
DAVID M. RICKEY, PRESTON ROMM,  
THOMAS WEISEL PARTNERS LLC,  
NEEDHAM & CO. LLC, WR HAMBRECHT +  
CO. LLC,

## Defendants

DOCKET NUMBER: 07-cv-3754

HON. RICHARD M. BERMAN

(Caption continued on the following page)

**DECLARATION OF KIM E. MILLER IN SUPPORT OF THE MOTION OF THE TRAN  
GROUP TO CONSOLIDATE RELATED ACTIONS; TO BE APPOINTED LEAD  
PLAINTIFF; AND TO APPROVE PROPOSED LEAD PLAINTIFF'S CHOICE OF  
COUNSEL**

Exhibit B: Published Notice on *Market Wire* on May 28, 2007, of the first securities class action complaint filed in this matter in the United States District Court for the Southern District of New York.

Exhibit C: Firm Biography for Proposed Lead Counsel, Kahn Gauthier Swick, LLC  
and Hagens Berman Sobol Shapiro, LLP.

I declare under penalty of perjury under the laws of the state of New York that the foregoing facts are true and correct. Executed this 27<sup>th</sup> day of July, 2007, at New York, New York.

DATED: July 27, 2007

/s/ Kim E. Miller

KIM E. MILLER